

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

OSCAR T. BROOKINS, individually and as the
representative of a class of similarly situated
persons, and on behalf of The Northeastern
University Retirement Plan,

Plaintiff,

v.

NORTHEASTERN UNIVERSITY;
NORTHEASTERN UNIVERSITY 403(b)
INVESTMENT COMMITTEE; and JOHN and
JANE DOES 1-10,

Defendants.

Civil Action No.: 1:22-CV-11053-NMG

JOINT PROPOSED CASE MANAGEMENT SCHEDULE

Pursuant to Local Rule 16.1, Federal Rule of Civil Procedure 26(f) and this Court's Notice of Scheduling Conference (Doc No. 86), counsel for the Parties have conferred and submit this Joint Proposed Case Management Schedule.

I. Proposed Joint Discovery Plan and Motion Schedule

Plaintiff alleges that Defendants violated the Employee Retirement Income Security Act of 1974 (ERISA), 88 Stat. 829, as amended, 29 U.S.C. § 1001 et seq. through their management of The Northeastern University Retirement Plan ("the Plan"). Plaintiff asserts these claims on behalf of himself and on behalf of a putative Rule 23 class of the Plan's participants and beneficiaries during the Class Period defined in the Complaint. Defendants deny all liability.

The Complaint was filed on June 30, 2022 (Doc. No. 1). Defendants filed a motion to dismiss on September 15, 2022 (Doc. Nos. 22, 23). The matter then was reassigned to this Session of the Court on November 20, 2023 (Doc. No. 47). With the passage of time following the filing of the initial motion and the Parties' submission in the interim of a series of notices of

supplemental authority, the Court requested Defendants to file a renewed motion to dismiss (Doc. No. 53). The Court denied the renewed motion to dismiss on April 17, 2024 (Doc. No. 73). Defendants filed their Answer on May 1, 2024 (Doc. No. 74).

The Court initially issued a Notice of Scheduling Conference on March 10, 2025 (Doc. No. 79). As the Parties advised in their Joint Motion for Continuance (Doc. No. 80), the Parties had engaged in informal discovery and settlement discussions. The Court adjourned the Scheduling Conference (Doc. No. 81). On May 15, 2025 and June 13, 2025, the Parties advised the Court that settlement discussions were ongoing (Doc. Nos. 82 and 84).

A. Initial Disclosures: Initial Disclosures pursuant to Fed. R. Civ. P. 26(a)(1)(C) shall be served on July 21, 2025.

B. Amendments to Pleadings: Except for good cause shown, no motions seeking leave to add new parties or to amend the pleadings to assert new claims or defenses may be filed after September 19, 2025.

C. Fact Discovery – Interim Deadlines:

1. All requests for production of documents and interrogatories must be served by December 1, 2025.

2. All requests for admission must be served by December 1, 2025.

3. All depositions, other than expert depositions, must be completed by January 23, 2026.

4. Final Fact Discovery Deadline. All discovery, other than expert discovery, must be completed by January 30, 2026.

E. Class Certification Motion: Plaintiff's class certification motion and supporting papers shall be filed no later than November 21, 2025. Opposition papers shall be filed no later

than four weeks after Plaintiff's motion and supporting papers. Reply papers shall be filed no later than three weeks after Defendants' Opposition papers.

F. Expert Discovery: The schedule for expert discovery shall be as follows:

1. Plaintiff's expert reports on all issues as to which they bear the burden of proof shall be served on or before February 20, 2026.

2. Defendants' expert reports shall be served on or before March 20, 2026.

3. Plaintiff may serve rebuttal reports solely for the purpose of rebutting opinions expressed in Defendants' expert reports no later than April 17, 2026.

4. Defendants may serve surrebuttal reports solely for the purpose of rebutting opinions expressed in Plaintiff's rebuttal reports no later than May 5, 2026.

4. Depositions of experts may be taken at any point after an expert's report has been served, subject to the parties' reasonable agreement on scheduling, but must be completed by May 29, 2026.

G. Summary Judgment and Daubert Motions: All summary judgment and separate *Daubert* motions and supporting papers shall be filed no later than June 19, 2026. Opposition papers shall be filed no later than July 20, 2026. Reply papers shall be filed no later than August 3, 2026.

H. Motions in Limine: All motions *in limine*, other than *Daubert* Motions, shall be filed no later than August 14, 2026. Opposition papers shall be filed no later than August 28, 2026.

I. Initial Pretrial Conference: An initial pretrial conference will be held on _____ at ____ a.m./p.m. The parties shall prepare and submit a pretrial memorandum in accordance with Local Rule 16.5(d) five business days prior to the date of the conference.

JOINT PROPOSED SCHEDULE

Activity	Date
Initial Disclosures	July 21, 2025
Joinder of Parties	September 19, 2025
Motion for Leave to Amend Pleadings	September 19, 2025
Plaintiff's Class Certification Motion	November 21, 2025
Defendants' Class Certification Opposition	December 19, 2025
Plaintiff's Class Certification Reply	January 9, 2026
Completion of Fact Discovery	January 30, 2026
Plaintiff's Expert Report(s) Due	February 20, 2026
Defendants' Expert Report(s) Due	March 20, 2026
Plaintiff's Rebuttal Expert Report(s), if any, Due	April 17, 2026
Defendants' Surrebuttal Expert Report(s), if any, Due	May 5, 2026
Expert Depositions Complete	May 29, 2026
Summary Judgment (and separate <i>Daubert</i> motions) Due	June 19, 2026
Summary Judgment (and <i>Daubert</i>) Oppositions Due	July 20, 2026
Summary Judgment (and <i>Daubert</i>) Replies Due	August 3, 2026
Motions <i>in Limine</i> Due	August 14, 2026
Oppositions to Motions <i>in Limine</i> Due	August 28, 2026
Initial Pretrial Conference	TBD

II. Other Matters

The Parties do not anticipate the need to alter the limitations on interrogatories, requests for production, depositions, or requests for admissions provided in Fed. R. Civ. P. 30(a)(2)(A) and 33(a) and Local Rule 26.1(c).

The Parties anticipate that discovery requests may seek disclosure of documents or information containing confidential financial information and confidential and/or proprietary business and human resources information. The Parties will prepare and file a proposed Stipulated Protective Order, subject to the provisions of Local Rule 7.2, to govern the Parties' use and handling of such information. The Parties agree that the inadvertent disclosure of documents or information protected from disclosure by the attorney-client privilege or work product doctrine shall not operate as a waiver of the privilege or doctrine. Pursuant to Federal Rule of Evidence 502(d), the Parties will submit an Agreed Order reflecting this agreement for entry by the Court.

III. Local Rule 16.1 Certification

The Parties will or have separately filed their Local Rule 16.1(d)(3) certifications.

IV. Magistrate Judge

The Parties have conferred and do not consent to trial by a magistrate judge.

June 24, 2025

Respectfully submitted,

/s/ Osvaldo Vazquez
 Stephen Churchill, BBO #564158
 Osvaldo Vazquez (admitted pro hac vice)
FAIR WORK, P.C.
 192 South Street, Suite 450
 Boston, MA 02111
 Telephone: 617.607.3260
 Fax: 617.488.2261
 steve@fairworklaw.com
 oz@fairworklaw.com

Attorneys for Plaintiff and Class Members

/s/ Edward J. Meehan
 Edward J. Meehan (admitted pro hac vice)
 Michael J. Prame (admitted pro hac vice)
GROOM LAW GROUP, CHARTERED
 1701 Pennsylvania Ave., NW, Suite 1200
 Washington, DC 20006
 Tel: (202) 861-6633
 Fax: (202) 659-4503
 emeehan@groom.com
 mjp@groom.com

Joshua Sharp (BBO No. 681439)
NIXON PEABODY LLP
 Exchange Place

53 State Street
Boston, MA 02109-2835
jsharp@nixonpeabody.com

Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 24, 2025, a copy of this document was served by ECF filing on all counsel of record.

/s/ Osvaldo Vazquez

Osvaldo Vazquez, Esq.